DOCUMENT RESUME

ED 423 613 EA 029 426

TITLE	Title IX and Sex Discrimination. Revised.
INSTITUTION	Office for Civil Rights (ED), Washington, DC.
PUB DATE	1998-08-00
NOTE	7p.; For previous version, see ED 396 458.
PUB TYPE	Legal/Legislative/Regulatory Materials (090)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	Civil Rights; Civil Rights Legislation; *Compliance (Legal); Elementary Secondary Education; *Equal Education; Federal Legislation; Government Publications; Grievance Procedures; Higher Education; Nondiscriminatory Education; *Sex Discrimination; Sex Fairness
IDENTIFIERS	*Title IX Education Amendments 1972

ABSTRACT

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. This brochure outlines the responsibilities of education programs and activities covered by Title IX, the responsibilities of the Office for Civil Rights (OCR) in enforcing Title IX, and the procedures for filing a discrimination complaint with OCR. Contains contact information for filing complaints and obtaining additional information. (MKW)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED 423 613

TITLE IX AND SEX DISCRIMINATION

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

PROHIBITS DISCRIMINATION BASED ON SEX

IN EDUCATION PROGRAMS OR ACTIVITIES WHICH RECEIVE FEDERAL FINANCIAL ASSISTANCE

U.S. Department of Education
Office for Civil Rights
Washington, D.C. 20202-1328

Revised August 199

EA 029 426

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☑ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy

TITLE IX AND SEX DISCRIMINATION

Title IX

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities which receive Federal financial assistance. Title IX states that:

> No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The United States Department of Education (ED) maintains an Office for Civil Rights, with 12 enforcement offices throughout the nation and a headquarters office in Washington, D.C., to enforce Title IX.

Education Programs and Activities Covered by Title IX

Title IX covers state and local agencies that receive ED funds. These agencies include approximately 16,000 local school districts, 3,200 colleges and universities, and 5,000 for-profit schools as well as libraries and museums. Also included are vocational rehabilitation agencies and education agencies of 50 states, the District of Columbia, and territories and possessions of the United States.

Programs and activities which receive ED funds must operate in a nondiscriminatory manner. These programs and activities may include, but are not limited to: admissions, recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, grading, vocational education, recreation, physical

education, athletics, housing and employment. Also, a recipient may not retaliate against any person because he or she opposed an unlawful educational practice or policy, or made charges, testified or participated in any complaint action under Title IX. For a recipient to retaliate in any way is considered a violation of Title IX. The ED Title IX regulations (Volume 34, Code of Federal Regulations, Part 106) provide a detailed discussion of discrimination prohibited by Title IX.

The Office for Civil Rights Enforces Title IX

The Office for Civil Rights (OCR) in ED is responsible for enforcing Title IX. OCR's responsibility to ensure that institutions which receive ED funds comply with Title IX is carried out through compliance enforcement. The principal enforcement activity is the investigation and resolution of complaints filed by people alleging sex discrimination. Also, through agency-initiated reviews of selected recipients, OCR is able to identify and remedy sex discrimination which may not be addressed through complaint investigations.

Given the large number of institutions under its jurisdiction, OCR is unable to investigate and review the policies and practices of all institutions receiving ED financial assistance. Therefore, OCR provides information and guidance to schools, universities and other agencies to assist them in voluntarily complying with the law. OCR also informs students and their parents; and those who apply for admission to academic programs, of their rights under Title IX.

OCR has investigated and worked with recipients to resolve many kinds of civil rights problems, including the following:

- the provision of less than a fair share of funds for athletic scholarships to females;
- inequitable pay for female teachers holding similar teaching positions to those held by male counterparts; and
- discrimination against female students on the basis of pregnancy.

How to File a Discrimination Complaint with OCR

Anyone who believes there has been an act of discrimination on the basis of sex against any person or group in a program or activity which receives ED financial assistance, may file a complaint with OCR under Title IX. The person or organization filing the complaint need not be a victim of the alleged discrimination but may complain on behalf of another person or group. A complaint should be sent to the OCR enforcement office that serves the state in which the alleged discrimination occurred. A complaint must be filed within 180 days of the date of the alleged discrimination, unless the time for filing is extended for good cause by the Enforcement Office Director. If you have also filed a complaint under an institutional grievance process, see the time limit discussed at the end of this section.

Complaint letters should explain who was discriminated against; in what way; by whom or by what institution or agency; when the discrimination took place; who was harmed; who can be contacted for further information; the name, address and telephone number of the complainant(s) and the alleged offending institution or agency; and as much back-

ground information as possible about the alleged discriminatory act(s). OCR enforcement offices may be contacted for assistance in preparing complaints. OCR keeps the identity of complainants confidential except to the extent necessary to carry out the purposes of the civil rights laws, or unless disclosure is required under the Freedom of Information Act, the Privacy Act or otherwise required by law.

If an investigation indicates there has been a violation of Title IX, OCR attempts to obtain voluntary compliance and negotiate remedies. Only when it cannot obtain voluntary compliance does OCR initiate enforcement action. Enforcement usually consists of referring a case to the Department of Justice for court action, or initiating proceedings, before an administrative law judge, to terminate Federal funding to the recipient's program or activity in which the prohibited discrimination occurred. Terminations are made only after the recipient has had an opportunity for a hearing before an administrative law judge, and after all other appeals have been exhausted.

Prior to filing a complaint with OCR against an institution, a potential complainant may want to find out about the institution's grievance process and use that process to have the complaint resolved. A complainant is not required by law to use the institutional grievance procedure before filing a complaint with OCR. If a complainant uses an institutional grievance process and also chooses to file the complaint with OCR, the complaint must be filed with OCR within 60 days after the last act of the institutional grievance process.

Where to Request Additional Information or File a Complaint

Each enforcement office is responsible for enforcing Title IX in the states and territories designated for that office.

If you wish additional information about Title IX, or a copy of the regulations which detail the requirements of Title IX, write or phone the OCR enforcement office which serves your state or territory, or you may call 1-800-421-3481.

If you wish to file a complaint alleging sex discrimination by a recipient institution in your state or territory, write to the appropriate OCR enforcement office, or call, and follow the instructions stated in the preceding section: How to File a Discrimination Complaint with OCR.